

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14436, 14437, and 14438 of Hope Village Inc., pursuant to Sub-section 8207.2 and Paragraph 8207.11 of the Zoning Regulations, for special exceptions under Paragraphs 3105.46 and 3105.475 to use all floors and the basements of the subject three premises as adult rehabilitation homes and substance abusers homes; to permit said sites to be established within the same square as other community based residential facilities with five or more persons, and for a variance to establish said sites for 42, 36, and 42 persons respectively (Paragraph 3105.46) in an R-5-A District at premises 2840, 2908, and 2850 Langston Place, S.E., (Square 5741, Lots 131, 863, and 130 respectively).

HEARING DATE: May 21, 1986

DECISION DATE: July 23, 1986

DISPOSITION: The Board GRANTED the application with CONDITIONS by a vote of 3-1 (Charles R. Norris and Carrie L. Thornhill to grant; Patricia N. Mathews to grant by proxy; William F. McIntosh opposed to the motion; Paula L. Jewell not voting, not having heard the case).

FINDING DATE OF ORDER August 13, 1986

ORDER

On August 26, 1986, counsel for the parties in opposition filed a timely motion for reconsideration of the Board's decision in the subject case, or rehearing, and to stay the effectiveness of the Board's order pending resolution of the subject motion. The reasons for the motion include the contention that the Board made errors in Findings of Fact No's. 3, 11, 14, 17, 19, 21, and 25; that the applicant failed to meet its burden of proof; and that the opposition was denied an opportunity to participate in the formulation of the conditions to the approval. On September 5, 1986, counsel for the applicant filed a statement in opposition to the motion. Counsel for the applicant was of the opinion that the findings of fact are adequate to support the Board's decision; that the setting

of conditions is solely within the discretion of the Board rather than the parties; and that all of the concerns set forth in the motion have been adequately stated before and considered by the Board in its deliberations and do not constitute a basis for the stay of the Board's decision.


Upon consideration of the motion and the order, the Board concludes that it made no error in deciding the application. The Board concludes that the motion raises no materially different issues nor provides any evidence of a substantive nature that the Board has not previously considered and thoroughly addressed in its final order. The Board's decision and the conditions imposed were based on consideration of all the evidence presented by both the application and the opposition. The fact that the Board and the opposition came to different conclusions does not make the judgement of the Board arbitrary, capricious or unlawful. Accordingly the motion is hereby DENIED in its entirety.

DECISION DATE: September 17, 1986

VOTE: 3-0 (Patricia N. Mathews, Carrie L. Thornhill and William F. McIntosh to deny; Charles R. Norris abstaining by proxy; Paula L. Jewell not voting, not having heard the case).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


EDWARD L. CURRY
Acting Executive Director

FINAL DATE OF ORDER: OCT 8 1986

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

14436-37-38/DON25